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Richard Hart and Marie Louise Trudel-Hart*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEKISUI AMERICA CORPORATION and  
SEKISUI MEDICAL CO. LTD.,

Plaintiffs,

v.

RICHARD HARD and MARIE LOUISE  
TRUDEL-HART,

Defendants.

12 Civ. 3479 (SAS)

**DECLARATION OF  
JONATHAN G. KORTMANSKY  
IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS**

JONATHAN G. KORTMANSKY, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a member of Sullivan & Worcester LLP, counsel for Defendants Richard Hart and Marie Louise Trudel-Hart ("Defendants"). I submit this declaration in support of Defendants' Motion to Dismiss the Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and to transmit to this Court true and correct copies of documents relevant to the motion.

2. Attached as Exhibit A is a true and correct copy of the Letter of Intent, dated December 10, 2008, from Sekisui Medical Co., Ltd. to Richard Hart and Marie Louise Trudel-Hart.

3. Attached as Exhibit B is a true and correct copy of the Exclusivity Agreement, dated December 10, 2008, between Sekisui Medical Co., Ltd. and Richard Hart and Marie Louise Trudel-Hart, together with an amendment thereto dated February 20, 2008.

4. Attached as Exhibit C is a true and correct copy of the Stock Purchase Agreement dated as of March 5, 2009 among Sekisui America Corporation, Richard Hart, Marie Louise Trudel-Hart, the Other Shareholders Named Herein and American Diagnostica, Inc.

5. Attached as Exhibit D is a true and correct copy of the Quality System Audit Report issued by Advanced Quality Solutions, Inc., Audit Dates 5/17-20/10, Audit Site American Diagnostica, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
July 2, 2012

/s/Jonathan G. Kortmansky  
Jonathan G. Kortmansky